

## **SPECIAL MEETING**

### **CIVIL SERVICE COMMISSION MINUTES**

**October 28, 1998**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Gordon Austin, President  
Mary Gwen Brummitt  
Gloria Valencia-Cothran  
Sigrid Pate

Comprising a quorum of the Commission

Absent were:

Dixon being absent

Larry Cook, Executive Officer  
Ralph Shadwell, Deputy County Counsel  
Joy Kutzke, Reporting

## Special Meeting

### CIVIL SERVICE COMMISSION MINUTES

October 28, 1998

2:00 p.m.      CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m.      OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

#### PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
13,14,17	7,15,18,20	4	

COMMENTS Motion by Valencia-Cothran to approve all items not held for discussion; seconded by Brummitt. Carried.

#### CLOSED SESSION AGENDA

County Administration Center, Room 458  
(Notice pursuant to Government Code Sec. 54954.2)  
Members of the Public may be present at this location to hear the announcement of the Closed Session Agenda.

a.     **Laura Whalen** v. Civil Service Commission. William Songer, Deputy County Counsel will address Commission.

#### REGULAR AGENDA

NOTE: Five total minutes will be allocated for input on Agenda Items unless additional time is requested at the outset and it is approved by the President of the Commission.

#### MINUTES

1. Approval of the Minutes of the special meeting of September 30, 1998.

**Approved.**

## CONFIRMATION OF ASSIGNMENT

2. Commissioner Dixon as hearing officer in the appeal of **Susan H. Marcus** from an Order of Demotion [Reduction] in Compensation and Transfer from the Public Defender.

**Confirmed.**

3. Commissioner Austin as hearing officer in the appeal of **James Van Fossen** from an Order of Suspension from the Sheriff.

**Confirmed.**

## WITHDRAWALS

4. **Brian Rosa** appealing an Order of Suspension from the Health and Human Services Agency. Formerly assigned to Commissioner Dixon.

**Withdrawn.**

## STIPULATED AGREEMENT

5. Commissioner Brummitt: Lois Balfour, S.E.I.U. Local 2028, on behalf of **Mary Avastu** from an Order of Termination from the Department of Environmental Health.

RECOMMENDATION: Approve agreement.

**Staff recommendation approved.**

## COMPULSORY LEAVE

### Complaints

6. Clare H. Maudsley, Esq. on behalf of **Julie Georgeski**, appealing an Order of Compulsory Leave from Health and Human Services Agency.

RECOMMENDATION: Assign to a hearing officer.

**Staff recommendation approved. Commissioner Austin assigned.**

## RECONSIDERATION

### Complaints

7. **Alicia Mariscal** requesting reconsideration for a Rule XI investigation regarding the manner in which she was discharged from the Department of Agriculture, Weights and Measures. (Previously on 8/19/98 and 9/30/98 agendas.)

RECOMMENDATION: Deny request.

**Motion by Valencia-Cothran to continue to next CSC meeting;  
seconded by Brummitt. Carried.**

## **SELECTION PROCESS FINDINGS/COMPLAINTS**

### **Findings**

8. **Florante E. Gonzales, Jr.** appeal of removal of his name by DHR from the employment list for Correctional Deputy Probation Officer for failure to meet the employment standards.

9. **Anthony W. Portillo** appeal of removal of his name by DHR from the employment list for Correctional Deputy Sheriff-Lateral for failure to meet the employment standards.

10. **Tyrone Mascarenas** appeal of removal of his name by DHR from the employment list for Corrections Deputy Sheriff for failure to meet the employment standards.

11. **Charles L. Moser** appeal of removal of his name by DHR from the employment list for Corrections Deputy Sheriff for failure to meet the employment standards.

12. **Alan Pineda** appeal of removal of his name by DHR from the employment list for Correctional Deputy Probation Officer for failure to meet the employment standards.

RECOMMENDATION: Ratify item Nos. 8 through 12. Appellants have been successful in the appellate process provided by Civil Service Rule 4.2.2.

**Item Nos. 8 through 12 ratified.**

### **Complaints**

13. **Edet W. Eduok** appealing DHR's determination that he is ineligible to compete in the selection process as an Associate Performance Auditor because he does not meet the minimum qualifications.

RECOMMENDATION: Deny request.

Mr. Eduok explained his qualifications to the Commission which he believes entitles him to compete in the selection process as an Associate Performance Auditor. Larry Cook related to the Commission that he had commented to Mr. Eduok that there is a close relationship between the functions of Finance Auditors and Performance Auditors. However, it is the opinion of DHR's subject matter experts that there is a clear difference between the two disciplines. Blair Provo, on behalf of DHR, provided the Commission with a general overview of

DHR's procedures as they relate to the application/eligibility portion of selection process. Subsequently, she addressed DHR's rationale in determining Mr. Eduok's ineligibility to compete as an Associate Performance Auditor. DHR solicited input from subject matter experts to assist in determining the extent to which Mr. Eduok's experience contributed to meeting the minimum qualifications. It was the subject matter experts' judgment that Mr. Eduok did not have the requisite experience necessary which would qualify him to compete as a Performance Auditor.

**Motion by Valencia-Cothran to grant a hearing; seconded by Pate. Carried. Commissioner Pate assigned as hearing officer. Brummitt - No.**

14. Douglas Olins, Esq. and Marsha M. Duggan, Esq., Public Defender Association Representative, on behalf of **Liesbeth Vandenbosch**, Deputy Alternate Public Defender III, appealing her non-selection by the Alternate Public Defender for a promotion as a Deputy Alternate Public Defender IV.

RECOMMENDATION: Deny request. (Continued from 9/30/98 Agenda)

Ms. Duggan addressed the Commission on behalf of Ms. Vandenbosch setting forth her qualifications and experience which qualified her for selection by the Department for promotion to Deputy Alternate Public Defender IV. Ms. Duggan alleged that the non-selection was made in retaliation due to Ms. Vandenbosch's request for extended leave with pay with the right to return. Margarita Holguin responded on behalf of the Department clarifying that Ms. Vandenbosch's qualifications are not at issue. The Department asserts that the promotional application and competition process for Deputy Alternate Public Defender IV was conducted fairly and that Ms. Vandenbosch's non-selection was not in retaliation for her leave request.

**Motion by Valencia-Cothran to approve staff recommendation; seconded by Brummitt. Carried.**

15. **Patricia Minnich** appealing the selection process by the HHSA having been denied promotion to Protective Services Worker II.

RECOMMENDATION: Deny request. (Continued from 9/30/98 Agenda)

**Continued to next CSC meeting.**

16. **Paul Emile Lacroix** appealing DHR's determination that he is ineligible to compete in the selection process as a Sheriff's Sergeant because he does not meet the minimum qualifications.

RECOMMENDATION: Deny request.

**Staff recommendation approved.**

17. **Deanie Marin** appealing DHR's determination that she is ineligible to compete in the selection process for the classification of Public Defender Investigator Trainee -- Bilingual Option.

RECOMMENDATION: Deny request.

Deanie Marin expressed to the Commission the reasons she believes she is qualified to compete in the selection process for Public Defender Investigator Trainee.

**Motion by Brummitt to approve staff recommendation; seconded by Pate. Carried.**

## **DISCRIMINATION**

### **Findings**

18. Commissioner Austin: **Dwayne McDougale**, a former Corrections Deputy Sheriff Cadet, alleging race discrimination by the Sheriff.

FINDINGS AND RECOMMENDATIONS:

**Continued to next CSC meeting.**

## **INJURY LEAVE**

19. Jeffrey Segal, Esq. on behalf of **Debra Brown-Fraser** appealing denial of injury leave from DHR.

RECOMMENDATION: Grant request.

**Staff recommendation approved. Commissioner Valencia-Cothran assigned as hearing officer.**

## **OTHER MATTERS**

### **Performance Appraisals**

20. **Dalton Lee**, an employee of the Health and Human Services Agency (HHSA), requesting the sealing of his performance appraisal covering the period September 28, 1997 through March 28, 1998.

RECOMMENDATION: Continue in order to allow HHSA to provide input.

**Staff recommendation approved.**

**Extension of Temporary Appointments**

21. Sheriff's Department

1 Intermediate Clerk Typist (Adain Van Dusen)

22. Health and Human Services Agency

1 Licensed Mental Health Clinician (Charlene Hoar)

RECOMMENDATION: Ratify item Nos. 21 and 22.

**Item Nos. 21 and 22 ratified.**

23. Public Input.

ADJOURNMENT: 3:40 p.m.

**NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE NOVEMBER 18, 1998.**